

Reply to final Office Action dated November 17, 2005

REMARKS**I. Summary of the Office Action and this Reply**

Claims 1-13 are pending in the application. Claims 6-11 have been withdrawn from consideration. The Examiner has rejected claims 1 and 12 under 35 U.S.C. §102(e), asserting that such claims are anticipated by U.S. Patent No. 6,439,918 to Togami et al. ("Togami"). The Examiner has rejected claims 1-3 under 35 U.S.C. §102(b), asserting that such claims are anticipated by newly cited U.S. Patent No. 6,644,991 to Martin ("Martin"). The Examiner has rejected claims 1, 4 and 5 under 35 U.S.C. §102(b), asserting that such claims are anticipated by newly cited U.S. Patent No. 4,887,974 to Ichimura et al ("Ichimura"). The Examiner has rejected claim 13 under 35 U.S.C. §102(b), asserting that such claim is anticipated by newly cited U.S. Patent No. 4,343,524 to Bright et al. ("Bright"). Various objections have been made to the claims.

In this Reply, claims 1, 3, 4, 5, 12 and 13 are amended for clarity and/or to obviate the Examiner's objections and rejections. No new matter is added.

It is noted that these amendments, though presented after final rejection, are being presented at the earliest opportunity, namely after citation for the first time of new references in the final action. Further, it is believed that the amendments place the claims in condition for allowance. Accordingly, it is requested that these amendments be entered and considered pursuant to 37 CFR §1.116.

II. Applicant Initiated Examiner Interview

The Examiner is thanked for the telephone interview conducted on December 14, 2005. In summary thereof, the pending 102 and 103 rejections, and the

references, were discussed. Possible claim amendments were considered. No agreement was reached.

III. Response to 102 Rejections

A rejection under 35 U.S.C. § 102 is proper only if each and every element of the claim is found in a single prior art reference. MPEP § 2131.

Claims 1-5

Amended independent claim 1 requires "a housing having an outer surface" and "an actuator slidably mounted on said outer surface for translational movement in a linear direction along said outer surface." Further, it is recited that pivoting of a lever imparts "linear translation movement to said actuator's wedge relative to said outer surface of said housing." Togami neither teaches nor suggests (1) "an actuator slidably mounted on said outer surface for translational movement in a linear direction along said outer surface" or (2) a lever pivotable about a pivot pin such that "pivoting of said lever about said pivot pin causes said cam surface to impinge upon said actuator to impart linear translation movement to said actuator's wedge relative to said outer surface of said housing." Instead, Togami discloses a pivot block 110 and a bail 108 that causes a cam portion 107 of the bail 108 to engage the pivot block and cause it to pivot about its pivot arms 112, as discussed in greater detail in Applicants' last Reply. Accordingly, the pivot block rotates; it does not translate in a linear direction. See Col. 6, lines 31-56. The amended claim language cannot be read onto Togami's pivot block arrangement. Accordingly, not all elements of amended claim 1 can be found in Togami.

Further, Togami's pivot block 110 cannot translate in a linear direction because its pivot arm 112 is rotatably held within pivot points 122 and 123 that are each formed on the top surface of the connector portion 106. Col. 6, lines 51-56. These pivot points would interfere with, and thus prevent, linear translation of the pivot block. See Figure 1. Further, there cannot be motivation to modify the mechanism of Togami to arrive at the claimed invention because doing so would (1) change the principle of operation of the Togami device from one relying upon pivoting motion to another relying upon sliding motion, (2) render the device inoperable for its intended purpose, and (3) would render the pivot points 122, 123 useless and/or inoperable for their intended purpose.

Further, amended claim 1 requires a lever mounted to the same housing relative to which the actuator is mounted and translates. This is neither taught nor suggested by Martin. To the contrary, the interpretation of Martin asserted by the Examiner would mean that the "lever" in Martin is mounted to the "actuator", and not "to the housing", as required by the amended claim. Accordingly, not all elements of amended claim 1 can be found in Martin.

Further still, amended claim 1 requires that the actuator includes "a wedge having a surface inclined relative to said outer surface, said surface being inclined from a position adjacent said outer surface [of said housing]." Ichimura fails to teach or suggest any such wedge. Accordingly, not all elements of amended claim 1 can be found in Ichimura.

For completeness, it is noted that although Martin discloses a chamfer on the "actuator" in Figures 8 and 9, the chamfer's leading edge does not have a surface inclined relative to the outer surface of the housing, nor is Martin's chamfer inclined from a position adjacent the outer surface of the housing; instead, the chamfer's surface is oriented differently, and its angled surface is not inclined from a position adjacent the

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outer surface of the housing. Further, the chamfer does not serve the same or a similar purpose of the claimed wedge, namely, to lift the latch tab and allow for de-latching, as discussed in greater detail with reference to claim 12.

Claims 2-5 depend from claim 1, and therefore should be allowable as depending from an allowable independent claim. For at least these reasons, reconsideration and withdrawal of the rejections of claims 1-5 are requested respectfully.

Claim 12

Amended independent claim 12 is directed to a pluggable module assembly including a receptacle having a latch tab defining an opening and a pluggable module. The pluggable module includes a housing having a latching member that is sized for receipt in the opening in the receptacle latch tab. The pluggable module further includes an actuator mounted for translational movement along the side of the housing, and a lever pivotable about a pivot pin, similar to claim 1.

Further, claim 12 recites that "pivoting of said lever about said axis causes said cam surface to impinge upon said actuator to impart linear translation movement to said actuator's wedge relative to said side of said housing to cause said latch tab to release said latch member." Thus, according to claim 12, pivoting of the lever causes linear translation movement of the actuator relative to the housing, and such linear translation causes a latch tab to release a latch member. This is neither taught nor suggested by Togami. Accordingly, reconsideration and withdrawal of the rejection of claim 12 are requested respectfully.

Further, the claimed invention is neither taught nor suggested by Martin, Ichimura or Bright. The chamfer on the "actuator" in Martin does not cause a latch tab to release

a latch member; instead, it simply provides additional clearance to facilitate mating of the structures shown (see Figs. 6-9).

Claim 13

Amended independent claim 13 is directed to a de-latch mechanism for a pluggable module. The mechanism includes a housing having an outer surface, an actuator translatable in a linear direction along said outer surface; and a lever pivotable about a pivot pin, said lever comprising a cam having a curved cam surface, similar to claim 1. Additionally, the housing has opposite sides and the lever is mounted centrally to the sides of the housing. This is neither taught nor suggested by Bright. The claim further recites that "pivoting of said lever about said pivot pin causes said cam surface to impinge upon said actuator to impart linear translation movement to said actuator relative to said outer surface of said housing." Accordingly, claim 13 is believed patentable for reasons similar to those set forth above with respect to claim 1. Reconsideration and withdrawal of the rejection of claim 13 are requested respectfully.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe claims 1-5, 12 and 13 to be patentable and the application in condition for allowance, and request respectfully issuance of a Notice of Allowance. If any issues remain, the

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Claim 13

Amended independent claim 13 is directed to a de-latch mechanism for a pluggable module. The mechanism includes a housing having an outer surface, an actuator translatable in a linear direction along said outer surface; and a lever pivotable about a pivot pin, said lever comprising a cam having a curved cam surface, similar to claim 1. Additionally, housing has opposite sides and the lever is mounted centrally to the sides of the housing. This is neither taught nor suggested by Bright. The claim further recites that "pivoting of said lever about said pivot pin causes said cam surface to impinge upon said actuator to impart linear translation movement to said actuator relative to said outer surface of said housing." Accordingly, claim 13 is believed patentable for reasons similar to those set forth above with respect to claim 1. Reconsideration and withdrawal of the rejection of claim 13 are requested respectfully.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants believe claims 1-5, 12 and 13 to be patentable and the application in condition for allowance, and request respectfully issuance of a Notice of Allowance. If any issues remain, the undersigned requests a telephone interview prior to the issuance of an action.

Respectfully submitted,

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Gregory S. Bernabeo
Registration No. 44,032
Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107-2950
Telephone: (215) 923-4466
Facsimile: (215) 923-2189